

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. CR03-247-RSL
)	
v.)	PROPOSED FINDINGS OF FACT
)	AND DETERMINATION AS TO
VICTOR L. DERAN,)	ALLEGED VIOLATIONS OF
)	SUPERVISED RELEASE
Defendant.)	

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on July 20, 2010. The defendant appeared pursuant to summons issued in this case. The United States was represented by Bruce Miyake, and defendant was represented by Paula Deutsch and Rule 2 intern Jenna Crouch. Also present was U.S. Probation Officer Thomas J. Fitzgerald. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on October 25, 2004 by the Honorable Robert S. Lasnik for Conspiracy to Steal and Sell Firearms and Theft of Firearms from a Federal Firearms Licensee. He received 46 months of detention and 3 years of supervised release.

Mr. Deran's supervised release was revoked on March 10, 2009 for violation behavior that

1 included drug use and new criminal conduct. He received 50 days detention with credit for time
2 served followed by a 30 month term of supervised release. In addition to the previously imposed
3 standard and special conditions, placement at a Residential Reentry Center for a period of up to
4 180 days was included. Mr. Deran commenced his second term of supervised release on April 7,
5 2009.

6 On September 23, 2009, a supervision report was submitted to the Court advising of Mr.
7 Deran's consumption of marijuana in August and September 2009. No action was recommended
8 at that time and Mr. Deran was referred to MRT and chemical dependency treatment.

9 PRESENTLY ALLEGED VIOLATIONS

10 In a petition dated Jun 18, 2010, U.S. Probation Officer Thomas J. Fitzgerald alleged that
11 defendant violated the following conditions of supervised release:

12 1. Consuming marijuana on or about April 15, 2010, in violation of standard condition
13 number 7 of his supervised release.

14 2. Consuming marijuana on or about June 6, 2010, in violation of standard condition
15 number 7 of his supervised release.

16 3. Consuming methamphetamine on or about June 6, 2010, in violation of standard
17 condition number 7 of his supervised release.

18 FINDINGS FOLLOWING EVIDENTIARY HEARING

19 Defendant admitted the above violations and waived any hearing as to whether they
20 occurred. The parties were directed to contact Judge Robert S. Lasnik to set a disposition
21 hearing date.

22 RECOMMENDED FINDINGS AND CONCLUSIONS

23 Based upon the foregoing, I recommend the court find that defendant has violated the

1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 20th day of July, 2010.

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5 BRIAN A. TSUCHIDA
6 United States Magistrate Judge
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